



**CHARGE NO.:** 1999 CF 0011  
**EEOC NO.:** 21B 982715  
**ALS NO.:** 10988

This matter is before me on Complainant's Petition for Award of Attorney's Fees and Costs, filed on November 19, 2003, which was submitted after the entry of a Recommended Liability Determination (RLD) on October 31, 2003. Respondent did not submit a response to the Petition or any request for an extension of time to file such response. In the RLD, it is recommended that Complainant be given back pay in the amount of \$80,128.13 (plus interest) and \$4,370.70 for medical expenses as damages caused by the unlawful discriminatory behavior of Respondent; other elements of the award are found in the RLD which is appended to this Recommended Order and Decision. The recommended award also includes the payment of "reasonable attorney's fees and costs incurred" in this case. This Recommended Order and Decision incorporates the RLD in its entirety as the recommendation on the merits of the case and will add my recommendation for the amount of attorney's fees and costs to be awarded to Complainant.

1. Complainant is entitled to attorney's fees and costs in accord with the RLD entered in this case on October 31, 2003.

2. Laurie E. Leader, Complainant's counsel, is an experienced attorney who practices in the downtown Chicago area. Ms. Leader was admitted to practice in Illinois in 1978. She practices law in conjunction with her position as a clinical faculty member at IIT Chicago-Kent College of Law under the auspices of the Law Offices of Chicago-Kent College of Law. Much of her practice experience both at the College and while in private practice prior to joining the faculty at Chicago-Kent is in employment law. She also has engaged in a variety of professional activities that would tend to enhance her knowledge of this substantive area of legal practice.
3. Ms. Leader is requesting an hourly rate of \$300.00 per hour.
4. Complainant was first represented in this matter by Terrance A. Norton, who left Chicago-Kent in December, 2000 and was replaced by Ms. Leader. Mr. Norton is entitled to reasonable fees for the time during which he represented Complainant. He also requests an hourly rate of \$300.00 per hour.
5. Ms. Leader reasonably expended 208.42 hours representing Complainant before the Commission in this matter and Mr. Norton reasonably expended 10.25 hours representing Complainant in this matter. Further, the attorneys reasonably expended the amount of \$300.76 on other expenses associated with the prosecution of this case.
6. Based on the recommended hourly rate of \$300.00 per hour (see analysis below), Ms. Leader is entitled to fees in the amount of \$62,526.00 and Mr. Norton is entitled to fees in the amount of \$3,075.00, a total of \$65,601.00.

#### **Conclusions of Law**

1. The petition for attorney's fees is granted.
2. No hearing is necessary to determine a reasonable attorney's fee award in this

case.

3. Respondent chose not to respond to the Petition. Accordingly, all issues related to the request for fees and costs are considered waived. Baker and Village of

Niles, Ill. H.R.C. Rep. (1999CA0319, April 29, 2002).

4. The RLD previously issued in this case is adopted in its entirety, including all elements of the recommended award.

### **Discussion**

In considering petitions for the award of attorney's fees and costs, the Commission requires that any award be fair and reasonable. The most common measure of fees remains the charging of a set rate per hour for work performed in consideration of the client's matter at hand, and multiplying that figure by the number of hours expended. This is particularly useful when a fee award such as that for this case is being considered because it gives the Commission an opportunity to be informed of the actual work devoted by the attorney to the case. The standard for determining the proper fee award by the Commission is found in Clark and Champaign National Bank, 4 Ill. HRC Rep. 193 (1982).

As noted, Respondent chose not to respond to the Petition. The Baker case, cited above, is only the most recent in a long line of cases holding that if the respondent does not contest the particulars of a petition for fees and costs, all issues related to the petition are waived. Here, both Ms. Leader and Mr. Norton are claiming an hourly rate of \$300.00 per hour. Currently, the Commission has not awarded an hourly rate of more than \$275.00 in a contested matter. However, based on the professional backgrounds of both attorneys, I find that it is reasonable to accept the requested hourly rate based alone on the waiver of this issue by Respondent.

The hours of work claimed by the attorneys is also reviewed in light of the failure of Respondent to file a response to the Petition. While the Commission will reject requested

hours that do not comport with its established policies in this area, even in the face of Respondent's waiver, a review of the itemized statement of hours worked by the attorneys in this matter reveals that none are objectionable on their face. Therefore, it is recommended that

the Petition be granted for the full schedule of hours reflected in Exhibit A of the Petition. This analysis applies likewise to the request for reimbursement for costs included in the Petition. Complainant's request for her attorney's fees and costs is granted. The recommended award will be for 208.42 hours payable at the rate of \$300.00 per hour for Ms. Leader, a total of \$62,526.00.; 10.25 hours payable at the rate of \$300.00 per hour for Mr. Norton, a total of \$3,075.00; and, costs of \$300.76. The grand total for fees is \$65,601.00 and \$300.76 for costs.

### **Recommendation**

Based on the foregoing, it is recommended that an order be entered awarding the following relief to Complainant:

- A. That Respondent be ordered to pay to the Law Offices of Chicago-Kent College of Law the amount of \$65,601.00 as attorney's fees and \$300.76 for costs, a total of \$65,901.76; and,
- B. That Complainant receives all other relief recommended in the Recommended Liability Determination entered in this matter on October 31, 2003.

ENTERED:

January 5, 2004

BY: \_\_\_\_\_  
 DAVID J. BRENT  
 ADMINISTRATIVE LAW JUDGE  
 ADMINISTRATIVE LAW SECTION

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